

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TSION MEKONNEN,

Plaintiff,

v.

MAMADOU DIALLO, and JANE DOE
DIALLO,

Defendants.

CASE NO. C22-1240 MJP

ORDER STRIKING MOTION TO
DISMISS

This matter comes before the Court on Defendants' Motion to Dismiss. (Dkt. No. 24.)
Having reviewed the Motion and all supporting materials, the Court STRIKES the Motion
without prejudice.

The Court finds that Defendants have not properly served their Motion to Dismiss on
Plaintiff. Under Federal Rule of Civil Procedure 5, a written motion must be served on a party,
and service can be accomplished through a number of different means. See Fed. R. Civ. P.
5(a)(1)(D), (b)(2). Local Civil Rule 5 allows for service through the District's CM/ECF service,
but only if the opposing party has signed up to participate in the CM/ECF system. Here, the

1 certificate of service states that the Motion was served on Plaintiff through the CM/ECF system
2 alone. But Plaintiff, who is appearing pro se, has not registered for CM/ECF service and there is
3 no evidence suggesting she agreed to any alternative service. As such, there is no evidence that
4 Plaintiff received a copy of the Motion, which may explain why she did not file a response.
5 Because the Motion was not properly served on Plaintiff, the Court STRIKES Defendants'
6 Motion without prejudice.

7 The clerk is ordered to provide copies of this order to Plaintiff and all counsel.

8 Dated October 26, 2023.

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10 Marsha J. Pechman
11 United States Senior District Judge
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